

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

THE UNITED STATES OF §
AMERICA, STATE OF §
TEXAS, *ex rel*, PAULINE §
MOTTS, §

Plaintiffs, §

v. §

CIVIL ACTION NO. 3:18-cv-00348-FM

EAST EL PASO §
PHYSICIAN'S MEDICAL §
CENTER, LLC, D/B/A/ §
FOUNDATION SURGICAL §
HOSPITAL OF EL PASO, §
DON BURRIS, VOX INTUS, §
LLC, DESERT IMAGING §
SERVICES, L.P., IN §
TANDEM SOLUTIONS §
GROUP, LLC, PRINCIPLE §
HS MANAGEMENT LLC §
D/B/A PRINCIPLE §
HEALTH SYSTEMS, §
AMERICAN INSTITUTE OF §
TOXICOLOGY, INC., §
CONCORD LIFE §
SCIENCES, LLC, AND §
NORTH CENTRAL §
FLORIDA §
NEURODIAGNOSTIC §
SERVICES, LLC, §

Defendants. §

DEFENDANT DON BURRIS'S ORIGINAL ANSWER

Pursuant to Federal Rules of Civil Procedure 8, 10, 11, and 12, Defendant Don Buris ("Defendant"), files this Original Answer to the United States' Complaint in Intervention (the "Complaint") (Doc. 21) filed by Plaintiff the United States of America ("Plaintiff" or "United States"), and respectfully states the following:

INTRODUCTION

1. Defendant states that Plaintiff purports to allege the causes action identified in paragraph 1 of the Complaint and denies the allegations.

2. Defendant admits that at times he served as the Chief Executive Officer ("CEO") of East El Paso Physician's Medical Center d/b/a Foundation Surgical Hospital of El Paso ("Foundation"). Defendant is without sufficient information to form a belief as to the truth of the allegations in the second and third sentences of Paragraph 2 of the Complaint, and therefore denies them.

3. Defendant admits that Leroy Candelaria ("Candelaria") was involved in the health care industry but otherwise lacks sufficient information to form a belief as to the truth of the remaining allegations in Paragraph 3 of the Complaint, and therefore denies them.

4. Defendant denies the allegations in Paragraph 4 of the Complaint.

5. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 5 of the Complaint at this time, and therefore, denies them.

6. Defendant denies the allegations in Paragraph 6 of the Complaint.

7. Defendant denies the allegations in Paragraph 7 of the Complaint.

8. Defendant denies the allegations in Paragraph 8 of the Complaint.
9. Defendant denies the allegations in Paragraph 9 of the Complaint.
10. Defendant denies the allegations in Paragraph 10 of the Complaint.
11. Defendant denies the allegations in Paragraph 11 of the Complaint.
12. Defendant denies the allegations in Paragraph 12 of the Complaint.
13. Defendant denies the allegations in Paragraph 13 of the Complaint.
14. Defendant denies the first sentence in Paragraph 14 of the Complaint.

As to the second sentence, Defendant admits that Defendant Burris served as president of Vox, but otherwise denies the remaining allegations in Paragraph 14 of the Complaint.

JURISDICTION AND VENUE

15. The allegations contained in Paragraph 15 of the Complaint relate to legal questions to which no response is required at this time.

16. The allegations contained in Paragraph 16 of the Complaint relate to legal questions to which no response is required at this time.

17. The allegations contained in Paragraph 17 of the Complaint relate to legal questions to which no response is required at this time.

18. The allegations contained in Paragraph 18 of the Complaint relate to legal questions to which no response is required at this time.

PARTIES

19. Defendant admits that the United States generally operates various government sponsored health care programs; however, the allegations contained in

the first three sentences of Paragraph 19 of the Complaint relate to specific legal questions to which no response is required at this time. Defendant states that it appears that Relator Pauline Motts filed the initial version of this case and that the United States appears to have elected to intervene in the case in some fashion; otherwise, the remaining allegations contained in Paragraph 19 of the Complaint represent legal conclusions to which no responsive pleading is required.

20. Defendant is without sufficient information to form a belief as to the truth of the allegations in the first sentence of Paragraph 20 of the Complaint. As to the second sentence, Defendant admits that Relator Motts is a former employee of Foundation.

21. As to the first sentence of Paragraph 21, Defendant admits that Foundation is a physician-owned health care facility that provides emergency services. Defendant admits the allegations in the second sentence of Paragraph 21. Defendant is without sufficient information to form a belief as to the truth of the allegations in the third sentence of Paragraph 21 of the Complaint, and therefore denies them. The remaining allegations contained in the fourth sentence of Paragraph 21 of the Complaint represent legal conclusions to which no response is required at this time.

22. Defendant admits the allegations of the first sentence of Paragraph 22. Defendant denies the allegations in the second sentence of Paragraph 22. Defendant denies the allegations in the third sentence of Paragraph 22. As to the fourth sentence

of Paragraph 22, Defendant admits his current residence, but otherwise denies the remainder of the allegations of that sentence of the Complaint.

23. Defendant admits that Vox is a for profit company based in Colorado. Defendant admits that Defendant is the President of Vox. Defendant denies that Vox entered into a Management Services Agreement with East El Paso Physician's Medical Center d/b/a Foundation Surgical Hospital of El Paso ("Foundation"). Defendant admits that he was provided with the title of CEO of Foundation. Defendant admits where Vox may be served.

24. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 24 of the Complaint at this time, and therefore denies them.

25. Defendant denies that Defendant Burris was "one of the primary architects of this illegal kickback and pass-through billing scheme" as alleged in the first sentence of Paragraph 25 of the Complaint. At this time, Defendant is without sufficient information to form a belief as to the truth of the remaining allegations in the first sentence and second sentence in Paragraph 25 of the Complaint, and therefore denies them.

26. At this time, Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 26 of the Complaint, and therefore denies them.

LEGAL AND REGULATORY BACKGROUND

I. THE FALSE CLAIMS ACT

27. The allegations contained in Paragraph 27 of the Complaint relate to legal questions to which no response is required and otherwise speak for themselves.

28. The allegations contained in Paragraph 28 of the Complaint relate to legal questions to which no response is required and otherwise speak for themselves.

29. The allegations contained in Paragraph 29 of the Complaint relate to legal questions to which no response is required and otherwise speak for themselves.

30. The allegations contained in Paragraph 30 of the Complaint relate to legal questions to which no response is required and otherwise speak for themselves.

31. The allegations contained in Paragraph 31 of the Complaint relate to legal questions to which no response is required and otherwise speak for themselves.

II. THE ANTI-KICKBACK STATUTE

32. The allegations contained in Paragraph 32 of the Complaint relate to legal questions to which no responsive pleading is required.

33. The allegations contained in Paragraph 33 of the Complaint relate to legal questions to which no responsive pleading is required.

34. The allegations contained in Paragraph 34 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

35. The allegations contained in Paragraph 35 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

36. The allegations contained in Paragraph 36 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

III. PATIENT PROTECTION AND AFFORDABLE CARE ACT

37. The allegations contained in Paragraph 37 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

38. The allegations contained in Paragraph 38 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves..

IV. THE MEDICARE PROGRAM

39. The allegations contained in Paragraph 39 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

40. The allegations contained in Paragraph 40 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

41. The allegations contained in Paragraph 41 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

42. The allegations contained in Paragraph 42 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves and otherwise speak for themselves.

43. The allegations contained in Paragraph 43 of the Complaint relate to legal questions to which no responsive pleading is required. Nonetheless, Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 43 of the Complaint at this time.

A. Medicare Part A

44. The allegations contained in Paragraph 44 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves and otherwise speak for themselves.

45. The allegations contained in Paragraph 45 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

46. The allegations contained in Paragraph 46 of the Complaint relate to legal questions to which no responsive pleading is required. As to the second sentence of Paragraph 46, Defendant does not recall the specific dates any such Certification Sections of Form CMS-855A were executed or whether he actually signed such Certification Sections.

47. The allegations contained in Paragraph 47 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

48. The allegations contained in Paragraph 48 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

49. The allegations contained in the first sentence of Paragraph 49 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves. Defendant is without sufficient information to form a belief as to the truth of the allegations in the second sentence of Paragraph 49 of the Complaint at this time as Defendant does not recall the specific dates any such CMS-2552 was executed or the circumstances surrounding their execution.

50. The allegations contained in Paragraph 50 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

51. The allegations contained in Paragraph 51 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

52. The allegations contained in Paragraph 52 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

53. The allegations contained in Paragraph 53 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

B. Medicare Part B

54. The allegations contained in Paragraph 54 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

55. The allegations contained in Paragraph 55 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

56. The allegations contained in Paragraph 56 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

57. The allegations contained in Paragraph 57 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

58. The allegations contained in Paragraph 58 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

59. The allegations contained in Paragraph 59 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

60. The allegations contained in Paragraph 60 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

61. The allegations contained in Paragraph 61 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

62. The allegations contained in Paragraph 62 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

63. The allegations contained in Paragraph 63 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

64. The allegations contained in Paragraph 64 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

65. The allegations contained in Paragraph 65 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

C. Medicare Part C

66. The allegations contained in Paragraph 66 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

67. The allegations contained in Paragraph 67 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

68. The allegations contained in Paragraph 68 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

D. Provider-based status

69. The allegations contained in Paragraph 69 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

70. The allegations contained in Paragraph 70 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

71. The allegations contained in Paragraph 71 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

72. The allegations contained in Paragraph 72 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

73. The allegations contained in Paragraph 73 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

V. TEXAS MEDICAID PROGRAM

74. The allegations contained in Paragraph 74 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

75. The allegations contained in Paragraph 75 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

76. The allegations contained in Paragraph 76 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

77. The allegations contained in Paragraph 77 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

78. The allegations contained in Paragraph 78 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

79. The allegations contained in Paragraph 79 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

80. The allegations contained in Paragraph 80 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

81. The allegations contained in Paragraph 81 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

82. The allegations contained in Paragraph 82 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

83. The allegations contained in Paragraph 83 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

84. The allegations contained in Paragraph 84 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

VI. THE TRICARE PROGRAM

85. The allegations contained in Paragraph 85 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

86. The allegations contained in Paragraph 86 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

87. The allegations contained in Paragraph 87 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

88. The allegations contained in Paragraph 88 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

89. The allegations contained in Paragraph 89 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

90. The allegations contained in Paragraph 90 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

91. The allegations contained in Paragraph 91 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

92. The allegations contained in Paragraph 92 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

93. The allegations contained in Paragraph 93 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

VII. FEHBP

94. The allegations contained in Paragraph 94 of the Complaint relate to legal questions to which no responsive pleading is required and otherwise speak for themselves.

FACTS

95. Defendant is without sufficient information to form a belief as to when Foundation was established. Defendant admits the location of Foundation. Defendant admits that in the past, Foundation was physician-owned and provided services for 24-hour emergencies.

96. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 96 of the Complaint, and therefore denies them.

97. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 97 of the Complaint, and therefore denies them.

98. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 98 of the Complaint, and therefore denies them.

99. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 99 of the Complaint, and therefore denies them.

100. Defendant does not presently have a copy of the Management Services Agreement referenced in the first sentence of Paragraph 100 of the Complaint. As such, Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 100 of the Complaint at this time, and therefore denies them.

101. Defendant denies the allegations contained in Paragraph 101 of the Complaint.

102. Defendant does not presently have a copy of the Agreement referenced in the first sentence of Paragraph 102 of the Complaint. As such, Defendant is

without sufficient information to form a belief as to the truth of the allegations in Paragraph 102 of the Complaint, and therefore denies them.

103. Defendant does not presently have a copy of the Agreement referenced in the first sentence of Paragraph 103 of the Complaint. As such, Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 103 of the Complaint, and therefore denies them.

104. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 104 of the Complaint, and therefore denies them.

105. Defendant does not presently have a copy of the Agreement referenced in the first sentence of Paragraph 105 of the Complaint. As such, Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 105 of the Complaint, and therefore denies them.

106. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 106 of the Complaint, and therefore denies them.

107. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 107 of the Complaint, and therefore denies them.

108. Defendant does not presently have a copy of the Agreement referenced in the first sentence of Paragraph 108 of the Complaint. As such, Defendant is

without sufficient information to form a belief as to the truth of the allegations in Paragraph 108 of the Complaint, and therefore denies them.

109. Defendant denies the allegations contained in the first sentence of Paragraph 109 of the Complaint. Defendant does not presently have a copy of the EOBs referenced in the second sentence of Paragraph 109 of the Complaint. As such, Defendant is without sufficient information to form a belief as to the truth of the allegations in the second sentence of Paragraph 109 of the Complaint, and therefore denies them.

110. Defendant does not presently have a copy of the Agreement referenced in the first sentence of Paragraph 110 of the Complaint. As such, Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 110 of the Complaint, and therefore denies them.

111. Defendant does not presently have a copy of the Agreement referenced in the first sentence of Paragraph 111 of the Complaint. As such, Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 111 of the Complaint, and therefore denies them.

112. Defendant does not presently have a copy of the Agreement referenced in the first sentence of Paragraph 112 of the Complaint. As such, Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 112 of the Complaint, and therefore denies them.

113. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 113 of the Complaint, and therefore denies them.

114. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 114 of the Complaint, and therefore denies them.

115. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 115 of the Complaint, and therefore denies them.

116. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 116 of the Complaint, and therefore denies them.

117. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 117 of the Complaint, and therefore denies them.

118. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 118 of the Complaint, and therefore denies them.

119. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 119 of the Complaint, and therefore denies them.

120. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 120 of the Complaint, and therefore denies them.

121. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 121 of the Complaint, and therefore denies them.

122. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 122 of the Complaint, and therefore denies them.

123. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 123 of the Complaint, and therefore denies them.

124. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 124 of the Complaint, and therefore denies them.

125. Defendant does not presently have a copy of the Agreement referenced in the first sentence of Paragraph 125 of the Complaint. As such, Defendant is without sufficient information to form a belief as to the truth of the allegations in the first sentence in Paragraph 125 of the Complaint, and therefore denies them. Defendant is without sufficient information to form a belief as to the truth of the allegations in the second sentence in Paragraph 125 of the Complaint, and therefore denies them. Defendant denies the allegations in the third sentence in Paragraph 125

of the Complaint as they relate to him or Vox Intus, LLC. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 125 of the Complaint as to the other defendants at this time, and therefore denies them.

126. Defendant does not presently have a copy of the Agreement referenced in the first sentence of Paragraph 126 of the Complaint. As such, Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 126 of the Complaint, and therefore denies them.

127. Defendant denies participating in any purported kickback scheme. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 127 of the Complaint, and therefore denies them.

128. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 128 of the Complaint, and therefore denies them.

129. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 129 of the Complaint, and therefore denies them.

130. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 130 of the Complaint, and therefore denies them.

131. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 131 of the Complaint, and therefore denies them.

132. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 132 of the Complaint, and therefore denies them.

133. Defendant denies the allegations contained in Paragraph 133 of the Complaint.

134. Defendant denies the allegations contained in Paragraph 134 of the Complaint.

135. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 135 of the Complaint, and therefore denies them.

136. Defendant denies the allegations in Paragraph 136 of the Complaint as they relate to him or Vox Intus, LLC. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 136 of the Complaint as to the other defendants at this time, and therefore denies them.

137. Defendant denies the allegations in Paragraph 137 of the Complaint as they relate to him or Vox Intus, LLC. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 137 of the Complaint as to the other defendants at this time, and therefore denies them.

138. Defendant denies the allegations contained in Paragraph 138 of the Complaint.

139. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 139 of the Complaint, and therefore denies them.

COUNT I

**False Claims Act, 31 U.S.C. § 3729(a)(1)(A)
Presenting or Causing False Claims to be Presented for Payment**

140. The allegations contained in Paragraph 140 of the Complaint relate to legal questions to which no responsive pleading is required.

141. The allegations contained in Paragraph 141 of the Complaint relate to legal questions to which no responsive pleading is required. Nonetheless, Defendant denies the allegations in Paragraph 141 of the Complaint as they relate to him or Vox Intus, LLC. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 141 of the Complaint as to the other defendants at this time, and therefore denies them.

142. The allegations contained in Paragraph 142 of the Complaint relate to legal questions to which no responsive pleading is required. Nonetheless, Defendant denies the allegations in Paragraph 142 of the Complaint as they relate to him or Vox Intus, LLC. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 142 of the Complaint as to the other defendants at this time, and therefore denies them.

143. The allegations contained in Paragraph 143 of the Complaint relate to legal questions to which no responsive pleading is required.

COUNT II
False Claims Act 31 U.S.C. § 3729(a)(1)(B)
Making or Using False Records or Statements

144. The allegations contained in Paragraph 144 of the Complaint relate to legal questions to which no responsive pleading is required.

145. The allegations contained in Paragraph 145 of the Complaint relate to legal questions to which no responsive pleading is required. Nonetheless, Defendant denies the allegations in Paragraph 145 of the Complaint as they relate to him or Vox Intus, LLC. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 145 of the Complaint as to the other defendants at this time, and therefore denies them.

146. The allegations contained in Paragraph 146 of the Complaint relate to legal questions to which no responsive pleading is required. Nonetheless, Defendant denies the allegations in Paragraph 146 of the Complaint as they relate to him or Vox Intus, LLC. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 146 of the Complaint as to the other defendants at this time, and therefore denies them.

147. The allegations contained in Paragraph 147 of the Complaint relate to legal questions to which no responsive pleading is required.

COUNT III
False Claims Act 31 U.S.C. § 3729(a)(1)(C)
Conspiracy to Submit False Claims

148. The allegations contained in Paragraph 148 of the Complaint relate to legal questions to which no responsive pleading is required.

149. The allegations contained in Paragraph 149 of the Complaint relate to legal questions to which no responsive pleading is required. Nonetheless, Defendant denies the allegations in Paragraph 149 of the Complaint as they relate to him or Vox Intus, LLC. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 149 of the Complaint as to the other defendants at this time, and therefore denies them.

150. The allegations contained in Paragraph 150 of the Complaint relate to legal questions to which no responsive pleading is required. Nonetheless, Defendant denies the allegations in Paragraph 150 of the Complaint as they relate to him or Vox Intus, LLC. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 150 of the Complaint as to the other defendants at this time, and therefore denies them.

COUNT IV

**False Claims Act: Avoiding an Obligation to Refund
31 U.S.C. § 3729(a)(1)(G)**

151. The allegations contained in Paragraph 151 of the Complaint relate to legal questions to which no responsive pleading is required.

152. The allegations contained in Paragraph 152 of the Complaint relate to legal questions to which no responsive pleading is required. Nonetheless, Defendant denies the allegations in Paragraph 152 of the Complaint as they relate to him or Vox

Intus, LLC. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 152 of the Complaint as to the other defendants at this time, and therefore denies them.

153. The allegations contained in Paragraph 153 of the Complaint relate to legal questions to which no responsive pleading is required.

COUNT V
Unjust Enrichment

154. The allegations contained in Paragraph 154 of the Complaint relate to legal questions to which no responsive pleading is required.

155. The allegations contained in Paragraph 155 of the Complaint relate to legal questions to which no responsive pleading is required. Nonetheless, Defendant denies the allegations in Paragraph 155 of the Complaint as they relate to him or Vox Intus, LLC. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 155 of the Complaint as to the other defendants at this time, and therefore denies them.

156. The allegations contained in Paragraph 156 of the Complaint relate to legal questions to which no responsive pleading is required. Nonetheless, Defendant denies the allegations in Paragraph 156 of the Complaint as they relate to him or Vox Intus, LLC. Defendant is without sufficient information to form a belief as to the truth of the allegations in Paragraph 156 of the Complaint as to the other defendants at this time, and therefore denies them.

COUNT VI
Payment by Mistake

157. The allegations contained in Paragraph 157 of the Complaint relate to legal questions to which no responsive pleading is required.

158. The allegations contained in Paragraph 158 of the Complaint relate to legal questions to which no responsive pleading is required.

159. The allegations contained in Paragraph 159 of the Complaint relate to legal questions to which no responsive pleading is required.

160. The allegations contained in Paragraph 160 of the Complaint relate to legal questions to which no responsive pleading is required.

PLAINTIFFS' PRAYER

Defendant Don Burris prays that Plaintiffs take nothing by this suit, that Defendant goes hence with his costs without delay, and for such other and further relief, both general and special, at law and in equity to which Defendant may show himself justly entitled.

Respectfully submitted,

By: /s/ J. Edward Johnson
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**ATTORNEYS FOR DEFENDANTS
VOX INTUS, LLC AND DON BURRIS**

CERTIFICATE OF SERVICE

This is to certify that on the 13th day of September 2021, a true and correct copy of the foregoing has been forwarded to all counsel of record, as follows:

Via ECF

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/s/ J. Edward Johnson

J. Edward Johnson